

TAFT FOR THE SUPREME COURT

PRESIDENT HAS ASKED HIM TO SUCCEED JUSTICE BROWN.

While He Would Prefer to Remain in the Cabinet as Secretary of War, He Says It Is for the President to Decide if He Shall Accept the Judicial Office.

WASHINGTON, March 10.—Whether William H. Taft, the Secretary of War, will remain in political life or have his future settled by appointment to a life position in the Federal Judiciary is a question to which President Roosevelt is giving serious consideration. Mr. Taft has been asked by the President if he will accept the office of Associate Justice of the United States Supreme Court to succeed Justice Henry B. Brown, who will retire on May 28, and Mr. Taft has indicated clearly that while he would prefer to remain at the head of the military establishment it is for the President and not for himself to say whether he shall leave the cabinet and become a member of the Supreme bench. In other words, Mr. Taft would rather at this time be Secretary of War than a Supreme Court Justice, but he will not decline if judicial honors are conferred on him.

In offering to appoint Mr. Taft to succeed Justice Brown, President Roosevelt has not been actuated by the fact that his Secretary of War is not merely a Presidential possibility, but a Presidential probability. On the other hand, he is aware that Mr. Taft is of the judicial temperament and regards a position in the Supreme Court as of the highest honor and dignity. The President has taken into consideration also that Mr. Taft is a comparatively young man, and should be appointed to succeed Justice Brown would probably become Chief Justice in a few years and live to exceed the record for service in that office held by John Marshall.

Should Mr. Taft go to the Supreme Court and a vacancy in the Chief Justiceship occur while Mr. Roosevelt is in the White House, Mr. Taft would be promoted to the highest judicial position in the land. Chief Justice Fuller is 73 years old and is eligible for retirement. Mr. Taft is only 48.

Since the President has indicated to him that the vacancy to be caused by Justice Brown's retirement was open to him, Mr. Taft has not sought the advice of his friends as to the course he should pursue. Several of his close associates, who are also close associates of the President, have come to him, however, and advised him one way or the other, that he accept the proffered office or decline it. Mr. Taft has done his own thinking and has reached the conclusion that, while the prospect of being at the head of the Federal Judiciary for the rest of his natural life is alluring, he would much prefer to remain as Secretary of War until certain pending questions have been adjusted to his satisfaction.

Chief among these is the matter of the Panama Canal. Mr. Taft realizes that he has been, and to a certain extent still is, under fire from the opponents of the canal administration. He is satisfied that he has done his duty properly, that the canal affairs have been administered honestly, and that he can refuse every charge that has been made against the plans for the construction of this great waterway. A very natural desire to remain at the head of the canal administration long enough to refute his critics, as he is confident of his ability to do, makes the Secretary of War reluctant to surrender his Cabinet portfolio, for the present at least. But should the President determine to appoint him to the Supreme Court he will accept the compliment.

If Mr. Taft's friends have correctly gauged his mind he has not taken into consideration his prospects of obtaining the Presidential nomination in making up his mind that he would rather remain in the Cabinet than become a Supreme Court Justice. His apparent unselfishness in this connection has been a source of wonder to his associates, who are convinced that his present attitude is based purely on devotion to duty and that he has eliminated any questions of purely selfish concern. While some of those who have advised him within the past day or two have spoken of his chance to succeed President Roosevelt, others in whose judgment he places the greatest reliance have held that in justice to himself he should complete the work out for him as Secretary of War before giving up that office for the less active life of a Federal Judge.

It should not be understood that Mr. Taft is the only name that the President has under consideration in connection with the appointment of a successor to Justice Brown. From unquestionable sources of authority it is learned that he has prepared a list of the following, with a view to selecting one of them should he determine to observe Mr. Taft's personal desire:

Walter Henry Sanborn, St. Paul, Minn., United States Circuit Judge of Eighth Judicial District since March 17, 1892. Native of New Hampshire and graduate of Dartmouth; age, 61.

William Van Dusen, Cheyenne, Wyo., United States Circuit Judge of Eighth circuit, appointed February 18, 1903; Assistant Attorney-General, assigned to Interior Department; prominent in the bar of Wyoming; age, 47.

Horace Harmon Lorton, Nashville, Tenn., United States Circuit Judge of Sixth Judicial District since March 29, 1893; member Supreme Court of Tennessee, 1898-93, and Chief Justice same court from January to April, 1893; age, 62.

Henry Martin Hoyt of Pennsylvania, Solicitor-General of the United States since 1903; graduate of Yale and Pennsylvania; Assistant Attorney-General, 1897-1903; age, 50.

Lloyd W. Bowers, Chicago, general counsel of Chicago and Northwestern Railroad since June, 1893; age, 47.

Francis Joseph Swayze of Newark, N. J., Justice of the Supreme Court of New Jersey; age, 45.

George Gray of Wilmington, Del., Circuit Judge of Third Judicial District; Attorney-General of Delaware; United States Senator, 1885-90; Democrat; Gold Democrat in 1898; Paris Peace Commission in 1899; Joint High Commission, 1899; member International Permanent Court of Arbitration, at The Hague, 1900; appointed United States Circuit Judge in 1891; chairman Anthracite coal commission, 1902; age, 66.

Richard Wayne Parker of New Jersey, Representative in Congress from the Sixth New Jersey district, 1885-1903; Seventh district, 1903-07; defeated for Congress in 1902; age, 58.

WOULD KILL THE SUFFERING

And Deformed or Idiotic Children—Bill in Iowa Legislature.

DES MOINES, Ia., March 10.—A bill was introduced by Representative Gregory in the lower house of the Legislature to-day requiring physicians to take human life in cases in which there is great suffering and death is certain to result and also to prevent the rearing of children who are hideously deformed or hopelessly idiotic.

Representative Gregory is a physician himself and introduced the bill in all seriousness. "My measure is a humane one," he said. "It may be that it is too revolutionary to pass this Legislature, but the time will surely come—and that, too, within the next twenty years—when some such law will be on our statute books."

"What I propose for the relief of human beings is no more than you are now practicing in the exercise of humanity on dumb animals. Besides, I would simply make lawful that which is already practiced to a great extent by the greatest physicians and surgeons in the land. At the risk of being convicted of murder they often take human life simply because they know it is a kindness to the patient and his relatives. Every large hospital in Chicago, New York and other big cities is the scene of such murders almost daily. It is a pity that the practice cannot be more extensive."

"If you will scrutinize my bill you will find that it contains every reasonable safeguard. At least three physicians and the County Coroner must unanimously agree and participate in the act, and then it must be with the consent of the nearest relative and, if practicable, of the patient himself. Any deviation from this requirement constitutes murder and subjects the offender to the penalty of murder."

The bill provides a heavy fine for any physician who shirks his duty under this law and also prescribes the usual penalty for first degree murder should they abuse the law.

GREEN'S WELCOME HOME.

Binghamton Turns Out to Greet Him With Music and Green and Red Fire.

BINGHAMTON, March 10.—Ex-Senator George E. Green and wife arrived from Washington to-night and were met at the Lackawanna station by every band in the city and a crowd of 5,000 people. The trip to his residence was one continuous ovation of cheers, and nearly every house on the route was decorated with flags. Red and green fire were burned all along the way.

At the house fully 2,000 people listened to a brief speech by Mr. Green, in which he said he had never so much appreciated the value of friendship. He said he had been tried by an impartial jury, by an upright Judge and by honest counsel on both sides. He believed he had received nothing but the fairest of fair play at the hands of everybody, and he came home with no feeling of resentment for any one.

After he stopped speaking the crowd insisted on shaking his hand and for an hour an informal reception was held, men of all classes, women and children crowding in to greet him. During the past two days there has been a growing sentiment that he be nominated and elected State Senator again this fall, and it has been taken up by the newspapers.

THIEF CAUGHT AT HARVARD.

Police Nab Man, Who Confesses to Having Worked Yale and Trinity Also.

BOSTON, March 10.—The Cambridge police this morning caught Albert L. Lambert, the long sought "Harvard Raffles." Capt. Hurley and a policeman were walking along Bow Street, near Ridgely Hall, one of the Harvard "Gold Coast" dormitories, when they noticed a well dressed young man standing on the curbstone. Just then a young telephone operator, Charles Smith, stepped up to Capt. Hurley and told him he believed this man was the one they were looking for.

The man apparently noticed the conference and to throw off suspicion shouted up at one of the windows to "Harry."

When "Harry" did not respond, he ran into the building. The officers followed him and he fled. He was caught by a man who had just entered a room on the first floor. He was found and arrested.

Later he made a detailed confession. He gave his name as Albert L. Lambert, 24 years old, of Long Island City, N. Y., but born in Louisville, Ky. His parents, he said, are both dead. For a long time he had made his way along Boston by working students and by stealing from their rooms. He confessed to a long career both at Yale and Trinity.

A game he frequently worked was to call on a man whose roommate he knew was away to inquire for "Harry" or "Fred," and say it was strange they did not keep that name. He would then ask the roommate to lend him some money, or to endorse a check, as he had his mother and sister in town and had, for one reason or another, suddenly become short of money.

Usually the man interviewed would volunteer to help him out.

Through his schemes, and through thefts, the police said, the man has secured between \$4,000 and \$5,000.

SCHOONER AGROUND.

The Adam W. Spies a Quarter of a Mile Off Long Beach.

HEMPSTEAD, N. Y., March 10.—Bound from Buenos Ayres to New York with a cargo of bones, the three masted schooner Adam W. Spies, with a crew of eleven men, ran aground off Long Beach early this morning. The vessel was commanded by Capt. Hines. In a thick fog he lost his bearings and ran on the treacherous beach.

The vessel lies about a quarter of a mile off shore. She is owned by Hutchings Bros. of 31 South street, New York. The cargo was also consigned to them.

The schooner lies in an easy position and if the sea does not become very heavy, the tug will probably succeed in hauling her off to-night or to-morrow at daylight in the high tide. Crews from both the Point Lookout and Long Beach fire stations were on hand before daylight this morning ready to give assistance to the stranded vessel but none was necessary, and, owing to heavy weather, the life saving crew was unable to board the schooner until nearly noon, when the sea became smoother. The wife of Capt. Hines is aboard with him.

The Coast light signals were promptly answered by the life crew and the wreck reported to the Maritime Exchange, and before 9 o'clock the wrecking tug I. J. Merritt of the Merritt-Chapman Wrecking Company was alongside the schooner, which is of 1,117 tons. She was built at Newburyport, Mass., in 1884 and is 185 feet long, 34 feet 4 inches beam and is 22 feet 8 inches deep.

*Phone 414 Franklin—SAVANNAH LINE—For rates to the South. Large, new ships—Ad.

ROOSEVELT STICKS TO S. P. C. A.

HAD CONTEMPLATED RESIGNING HIS LIFE MEMBERSHIP.

Felt It His Duty to Make Certain Suggestions, Which in Point of Time Preceded the Resignation of Haines—Talk of Joel B. Erhardt for the Presidency.

WASHINGTON, March 10.—The resignation of John P. Haines as president of the S. P. C. A. in New York has relieved a situation which at one time promised to involve the continuance of President Roosevelt's affiliation with that organization. Mr. Roosevelt is a life member. He was made acquainted some time ago with the dissatisfaction with Mr. Haines and was practically convinced that the continuance of Mr. Haines in office would injure the society.

Friends pointed out to Mr. Roosevelt that by retaining his membership he could probably do more than any other person to bring about real reform by making his attitude known to the board of managers, especially to Mr. Haines's friends. The President has always had the interests of the society at heart and preferred not to leave it reform could be accomplished in any other way. As a life member he felt it not only his privilege but his duty to make certain suggestions concerning the troubles of the society. Exactly what these suggestions were or to whom they were made is not stated.

Like most of the members of the S. P. C. A., the President has been too busy to investigate the workings of the society himself, and he supposed its affairs were being managed fairly well. He was not made aware of the real condition of the society until recently, when he was communicated with as a life member of the organization. The statements as to the affairs of the society were so circumstantial that the President seriously contemplated resigning his membership, but he subsequently decided not to do so, whether or not Mr. Haines retired. The resignations of Mayor McClellan and Joseph H. Choate had already had a damaging effect, and a movement was organized to persuade the President to remain in the society and help build it up.

Investigation of the charges against the Haines management by the committee of three of the board of managers, but none of the results was made public. It is expected that the committee will be able to report to the special meeting of the board on Wednesday.

There is much speculation as to the successor of Mr. Haines as president. Many men have been suggested. Although it is understood that none of the board of managers desires the place, the name of Col. Joel B. Erhardt was mentioned prominently and with favor, because of his familiarity with the details of the society's history and management and because he has insisted on immediate reforms. Col. Erhardt would not talk about the matter yesterday.

Haskins & Sells, the accountants who examined the accounts of the society, are wroth over the charge that Mr. Haines made before the board of managers on Thursday that they made an error of \$10,000 in their report and that they forced a balance "by putting in as a liability the Fogg relief fund, amounting to \$10,000."

Mr. Haines produced what he called a duplicate sheet of the accountants' report, which on its face apparently showed the error of \$10,000. Dr. Cleveland of the Haskins & Sells firm explained that this was a loose working sheet that had accidentally got mixed in the certified account, and that the very next page showed the correct total.

Haskins & Sells have prepared blank forms for a new system of accounting of the S. P. C. A. These forms will show at a glance on a single page all the details of expenditures and receipts of the society. One will be able to see exactly how much the income is from dog licenses, for example. One may even see what the expense of publishing *Our Animal Friends* is or how much should be charged to any one item of administration. The subcommittee in charge of reforming the society's accounts has approved the new form of bookkeeping.

TURNED DOWN DOWIE'S DRAFT.

No More Funds Available for the Apostle in Zion City Bank.

CHICAGO, March 10.—Zion City is "out of funds" to John Alexander Dowie. A draft drawn by the "First Apostle" on the Zion City Bank, sent from Jamaica, has been turned down by the bank officers. It has been turned back with a letter to Dowie suggesting that he curtail his expenses, as the people in his town are doing with theirs. Dowie's personal account at the bank is exhausted.

Overseer Glen W. Voliva, conducting Zion City on business lines, is anxiously awaiting the result of the message to Jamaica. What the "apostle" will say no man in Zion dares to imagine. It develops that he has been living on an allowance made by the Theosophists.

In his latest message, with the draft now dishonored enclosed, Dowie informed his followers that Jamaica was too hot for him. He wants to go to Mexico. It is believed when the first apostle hears there is no money at home for him, however, he will change his yearning for Mexico to a desire for Zion City.

Dowie has spent, it was disclosed to-day, \$5,000 since he went to Jamaica a few weeks ago. More than that, they declare, he has lost money on his hopes of refinance with a bank.

NEW HILL AND HARRIMAN FIGHT

Competing With Fast Trains to Get Mail Contract for the Northwest.

OMAHA, March 10.—E. H. Harriman and James J. Hill will race for the mail contract to the Pacific Northwest. Already Harriman has arranged to clip a hole day from the present mail schedule between New York and Portland and Seattle.

The experiment of running a fast mail to San Francisco has proven so popular that this train is now overloaded with mails, and cannot carry the Pacific Northwest mails. The Government has asked for a fast exclusive mail train to the Puget Sound territory and Hill and Harriman will compete for this train.

The Burlington from Chicago to Billings, Mon., and then the Northern Pacific will be utilized by Hill in the race, while the Northwest, Union Pacific and Oregon Short Line will be the Harriman route. The trains will be placed in operation April 1.

CLOSE SHAVE FOR NORDICA.

Drop Falls at Opera and Just Misses the Prima Donna.

Mme. Lillian Nordica narrowly escaped injury on the stage of the Metropolitan Opera House near the close of the performance of "Il Trovatore" yesterday afternoon. A big side or leg drop set for the performance of "Die Meistersinger" last night broke from its fastenings high in the flies and fell to the left of the stage with a crash just as the curtain had been lowered after Mme. Nordica and Signor Campanari had answered a curtain call in applause of their singing the "Miserere."

Campanari had hurried to his dressing room and Mme. Nordica was walking leisurely away at the left of the stage, carrying in her arms a huge bouquet of roses that some one in the audience had presented to her.

So near did the drop fall to the prima donna that the edge of it struck the petals of the bouquet and tore the flowers from her arm.

The drop struck Max Wolf, a stage mechanic, and cut a gash in his forehead. None of the actors spread to the office in front. At first it was thought that Mme. Nordica had been hurt and her physician, Dr. Baruch, was summoned, as were Drs. Castelli and Levy, the regular physicians for the opera house. Dr. Castelli was the first to arrive and, assisted by Dr. Levy, he stitched up the wound in Wolfe's forehead. The stage mechanic was taken to his home in a cab.

The drop that fell was completely wrecked and considerable damage was done to some of the settings on the stage. Things were repaired very quickly and there was little or no delay in raising the curtain for the last scene of the opera. The audience knew nothing whatever of the accident. A new drop had to be hastily constructed to take the place of the wrecked one in last night's opera.

VIRGINIA KNOX IN BELLEVUE.

Is Mrs. Patterson Now—Once Wife and Prisoner of a Supposed Count.

Mrs. Virginia Knox Patterson was taken to Bellevue Hospital yesterday afternoon and put in the psychopathic ward for observation as to her sanity. Mrs. Patterson was taken to her hospital in a closed carriage in which there were also Sergt. Patrick Farrell and Policeman Eyster of the Jefferson Market squad. Following in another carriage was the woman's husband, Joseph N. Patterson. The patient was a prisoner and was committed to the hospital on a warrant issued by Magistrate Walsh in the Jefferson Market court. She is to be detained until Monday, when her case will come up for final disposition before Magistrate Walsh.

The Pattersons have been living at 11 East Ninth street. Mr. Patterson told the doctors at Bellevue that he had been searching for his wife for several days. Just how she was found yesterday was not learned last night. She is under 40 and married her present husband fourteen years ago. Mr. Patterson said that her former husband was Count Carrusi, an Italian, who had ill treated her. According to Mr. Patterson, the Count once held his wife a prisoner for a long time in their home in Italy, and she gained freedom by getting word of her plight to King Humbert, who detailed a troop of soldiers to release her. The Count, according to Mr. Patterson, died in 1890.

Pittsburg, March 10.—Virginia Knox is of the fourth generation of Pittsburg Knoxes, for whom the Pittsburg suburb Knoxville is named. The old Knox mansion in which she married the Count in 1888 is still a Pittsburg landmark. The marriage was the sensation of the year. It was afterward stated that the Count was no Count at all. They started for Europe, Virginia Knox putting up the money. On the second day out the Count beat her. A divorce followed in time, and she was supposed to have married again and to be living in the South. She is not related to Senator Knox, so far as is known.

GHOST OF THE BLIZZARD.

Fantastic Illusion by the Powers of the Air of Their Ancient March Exploit.

Winter and spring had a lively struggle for supremacy yesterday and New Yorkers had a taste of assorted kinds of weather, which, according to Forecaster Emory, is to be expected at this time of year. In fact, after March 12, 1895, almost anything may be expected at this time of the year. King Humbert, who detailed a troop of soldiers to release her. The Count, according to Mr. Patterson, died in 1890.

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HUNDREDS DIE IN MINE FIRE.

EXPLOSION TRAPS WORKMEN IN COLLIERY NEAR CALAIS.

Rescuers Hear Some Impaired Men Calling for Help but Cannot Reach Them—700 Dead, 600 Rescued and 500 Missing—Cave-ins Block the Shafts.

Special Cable Dispatch to THE SUN.

PARIS, March 10.—An explosion of fire-damp occurred in a colliery at Courrières, near Calais, to-day. Eighteen hundred men were at work in the mine at the time.

The latest estimate is that 700 were killed, 600 rescued and 500 missing.

The fire which is supposed to have caused the disaster had been smoldering for days. It finally broke out on Friday night, at a depth of 700 feet below No. 3 pit. There was a terrific explosion at 7 o'clock this morning in Nos. 2, 3 and 4 pits, which shattered the cages and killed a man and a horse. Flames belched from the mouths of some pits, while the generation of poisonous gases made it impossible to approach them for hours. Cave-ins blocked many of the shafts when the props were burned away.

Toward midday the air had sufficiently cleared to allow the surface workings to be examined. Rescuers endeavored to descend into No. 2 and 3 pits, but were immediately prostrated by the fumes. Numerous rescuing parties, however, were able to enter the other pits, where they discovered 129 miners uninjured.

Practically everything underground had been wrecked and this made the work of rescue very difficult.

The scenes about the mouths of the pits were pitiful. Hundreds of weeping and wailing women and children were assembled near by, anxiously seeking news of relatives. A large force of gendarmes was fully occupied in keeping the distressed families outside the danger zone as the inhalation of the poisonous gases meant partial suffocation to all who ventured too close to the pits.

Of the 500 men who were working in pit No. 2, 388 were brought to the surface. Only thirteen of the 443 who had entered pit No. 3 came up. The cage in this pit is no longer working, the ladders are broken and hope of rescuing the remainder has been abandoned.

In pit No. 4, 185 of the 852 who went down at safe. Altogether 1,795 men went down into the mine and 591 have reached daylight.

The Minister of the Interior has received a telegram from the scene of the disaster saying it is impossible to estimate the number of killed. It is known that 1,800 men went down into the mine this morning, but it is hoped that many of them were able to take refuge in lateral galleries.

Engineer Boudereau, who went into the mine this morning with the miners, has not been found. The rescuing parties can hear imprisoned miners appealing for help from a depth of 280 metres, but they can descend only 130 metres.

SCULPTOR HAS APPENDICITIS.

Miss Enid Yandell in Hospital Here for Treatment.

Miss Enid Yandell, the sculptor, is a patient in Dr. John B. Walker's private hospital at 38 East Thirty-third street and is undergoing an operation for appendicitis.

Miss Yandell is 30 years old and was born in Louisville, Ky., where she spends most of each year. She studied at the Cincinnati Art School and was a pupil of Philip Martiny, Macmonnies and Rodin. She won the designer's medal at the Chicago World's Fair, where she was the sculptor of the Woman's Building. Miss Yandell also received a silver medal at the Nashville Exposition and she has exhibited regularly at the Paris Salon since 1895. Among specimens of her work are the Carrie Brown Memorial Fountain at Providence and the Hogan Fountain at Louisville.

GRABBED A TRANSFER.

Marine Engine Designer Locked Up on Petty Larceny Charge After Scuffle.

John M. Lawrence, a designer of marine engines at 315 Hudson street, got on a West Twenty-third street car yesterday afternoon and at Broadway asked for a transfer. The conductor, William Hamilton, refused to give it to him. He pointed to a sign in the window of the car saying that transfers must be obtained when the passengers pay their fare, or they wouldn't be real at all, a new rule of the company. Lawrence was still arguing for a transfer when the car got to Sixth avenue. Then he grabbed for one out of the conductor's pocket. There was a tussle and the transfer was torn.

The conductor called Policeman Tindel and had Lawrence arrested on a charge of petty larceny. He was locked up at the headquarters of the traffic squad in West Twenty-seventh street at 4 o'clock in the afternoon. He was bailed out at 10 o'clock last night.

Lawrence is a son of George W. Lawrence, a coffee broker, and lives at Pelham.

TO SUE P. R. R. FOR REBATES.

Attorney-General of Pennsylvania to Act on Mileage Hook Charges.

HARRISBURG, Pa., March 10.—It is officially announced that the refusal of the Pennsylvania Railroad Company to abolish the practice of collecting a \$10 rebate on each 200 mileage block issued will be followed by injunction proceedings restraining the company from collecting this rebate. The proceedings will be instituted in the Dauphin County Court by Attorney-General Carson.

Suit would have been brought before this if the railroad company had not asked time to file a brief sustaining the legal right of the company to collect this rebate.

Secretary of Internal Affairs Brown recently directed the Attorney-General's attention to this practice in an elaborate opinion in which he took the position that it was in violation of the letter and spirit of the State and Federal Constitutions, and that prompt measures should be taken to abolish it.

Across Continent to Recover Children. BOSTON, March 10.—J. H. Sully, accompanied by Inspector Greenleaf of the Malden police department, left to-day for Denver, where they expect to take and bring back to Malden the Sully children and Mrs. Bella Fenwick, who is accused of kidnapping them.

The inspector was armed with warrants and requisition papers for Mrs. Fenwick.

Nothing quite equal to the train service offered by the New York Central Lines, 30 trains a day to Buffalo and Niagara Falls, 12 to Chicago, 6 to St. Louis, 5 to Cincinnati.—Ad.

ATLANTA, BIRMINGHAM, MEMPHIS. Through sleeping car via P. R. R. and Seaboard Air Line. Inquire 1183 Broadway.—Ad.

MITCHELL SENDS FOR ADVISERS

And Puts Off Until To-morrow His Departure for Indianapolis.

There was a rumor yesterday evening that the anthracite operators had sent President Mitchell of the United Mine Workers an answer to the demands of their employees. One story which could not be verified, was that the demands had been refused, but that there